

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

<p>Date of mailing (day/month/year) 25 OCTOBER 2004 (25.10.2004)</p>		
<p>Applicant's or agent's file reference FE241495</p>		<p>FOR FURTHER ACTION See paragraph 2 below</p>
<p>International application No. PCT/KR2004/001883</p>	<p>International filing date (day/month/year) 26 JULY 2004 (26.07.2004)</p>	<p>Priority date(day/month/year) 25 JULY 2003 (25.07.2003)</p>
<p>International Patent Classification (IPC) or both national classification and IPC IPC7 H04B 7/26</p>		
<p>Applicant UTStarcom Korea Limited et al</p>		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR
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International application No.

PCT/KR2004/001883

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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WRITTEN OPINION OF THE
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International application No.
PCT/KR2004/001883

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 3	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	NONE	YES
	Claims	1 - 3	NO
Industrial applicability (IA)	Claims	1 - 3	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following document:

D1: US 6577616 B1 (10 June 2003)

D1, which is considered to be represent the closest prior art to the invention of claim 1, discloses a method of providing CDMA access availability to a cell area having a center in a CDMA system including a number of mobile stations and a base station having a group of cell site modems (CSMs). CSMs are configured to look for access attempts generated in respective circular- or annular-shaped areas (D1, abstract). The subject matter of claim 1 differs from that of D1 in that the base station informs a mobile station that the modem of the base station uses one access channel by an access parameter message, and the modem outputs an acquired access probe to the channel card and releases remaining access channels if the access probe has been acquired. However, said differences are obvious to a skilled person because they are simple design details of call setup procedure in CDMA communications. Therefore, claim 1 is considered to lack an inventive step.

The additional feature of dependant claim 2 is derivable from D1, wherein the base station resynchronizes the CSM by positioning the search window when a mobile station's energy approaches an edge of the traffic acquisition search window (D1, column 9, lines 6-17). Therefore, claim 2 is considered to lack an inventive step.

The additional feature of dependant claim 3 is disclosed in D1, wherein the mobile station accesses the system using one or more public long code masks (D1, column 5, lines 20-21), and each CSM has a particular search window size parameter and search start offset parameter (D1, column 5, lines 47-48, in combination with column 6, lines 18-20). Therefore, claim 3 is considered to lack an inventive step.

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